

Docket No.  
453-US-PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **Heidi Lopez De Diego, et al.**      Group Art Unit: **Not Yet Assigned**

Application No.: **10/568,572**      Examiner: **Not Yet Assigned**

International Filing Date: **August 18, 2004**

For: **Succinate and malonate salt of Trans-4-((1R,3S)-6-chloro-3-phenylindan-1-yl)-1,2,2-trimethylpiperazine and the use as a medicament**

Date: **August 9, 2006**

**CERTIFICATE OF MAILING**  
**BY "FIRST CLASS MAIL" (37 C.F.R. § 1.8)**

**Mail Stop PCT**  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

**Communication in Response to June 9, 2006 Notification of Missing Requirements under 35 U.S.C. 371... (2 pgs); Copy of Notification of Missing Requirements under 35 U.S.C. 371... (2 pgs); Copy of Executed Combined Declaration and Power of Attorney for Patent Application (5 pages); and Return Postcard**

is being deposited on August 9, 2006 with the United States Postal Service as first class mail in an envelope bearing sufficient postage thereon and addressed to:

**Mail Stop PCT**  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, Virginia 22313-1450.**

**Mary C. Johnson**

(Typed Or Printed Name Of Person Mailing Correspondence)



(Signature Of Person Mailing Correspondence)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Heidi Lopez De Diego, et al.

Application No.: 10/568,572

Confirmation No. 6471

International Filing Date: August 18, 2004

For: Succinate and malonate salt of Trans-4-((1R,3S)-6-chloro-3-phenylindan-1-yl)-1,2,2-trimethylpiperazine and the use as a medicament

August 9, 2006

Mail Stop PCT  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**COMMUNICATION IN RESPONSE TO JUNE 9, 2006 NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This Communication is submitted in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), issued June 9, 2006, by the U.S. Patent and Trademark Office in connection with the captioned application. Applicant is given two months from the mailing date of the Notification within which to file all items and pay any fees required, i.e. a response to the June 9, 2006 Notification of Missing Requirements is due on August 9, 2006. A surcharge as set forth in 37 CFR 1.492(h) of \$130.00 is due with the missing items identified in the June 9, 2006 Notification of Missing Requirements. Authorization is hereby given to charge \$130.00 to Deposit Account No. 50-3201. Accordingly, this Communication is being timely filed.

Heidi Lopez De Diego, et al.  
Serial No.: 10/568,572  
Filed: August 18, 2004  
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The Notification of Missing Requirements, a copy of which is attached hereto, indicates that the oath or declaration is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. In response, Applicants submit a copy of an executed Combined Declaration and Power of Attorney (see attached).

Accordingly, applicants' maintain that the requirements for acceptance under 35 U.S.C. 371 have been completed and, therefore, respectfully request that the application be duly examined.


If a telephone conference would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone the number provided below.

No fee, other than the surcharge for late submission of the Declaration, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 50-3201.

08/17/2006 LLANDGRA 00000057 503201 10568572

01 FC:1617 130.00 DA

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Nicholas Sisti", is written over a horizontal line.

Nicholas Sisti, Esq.  
Registration No. 54,453  
Lundbeck Research USA, Inc.  
215 College Road  
Paramus, New Jersey 07652  
(201) 350-0781  
fax: (201) 225-9571



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,572	Heidi Lopez De Diego	453-US-PCT

INTERNATIONAL APPLICATION NO.	
PCT/DK04/00545	
I.A. FILING DATE	PRIORITY DATE
08/18/2004	08/18/2003

45821  
LUNDBECK RESEARCH USA, INC.  
ATTENTION: STEPHEN G. KALINCHAK, LEGAL  
215 COLLEGE ROAD  
PARAMUS, NJ 07652

CONFIRMATION NO. 6471

371 FORMALITIES LETTER



\*OC000000019187348\*

Date Mailed: 06/09/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/16/2006
- Copy of the International Search Report filed on 02/16/2006
- Preliminary Amendments filed on 02/16/2006
- Information Disclosure Statements filed on 02/16/2006
- Oath or Declaration filed on 02/16/2006
- Request for Immediate Examination filed on 02/16/2006
- U.S. Basic National Fees filed on 02/16/2006
- Priority Documents filed on 02/16/2006
- Specification filed on 02/16/2006
- Claims filed on 02/16/2006
- Abstracts filed on 02/16/2006
- Drawings filed on 02/16/2006

Lundbeck Research USA, Inc.

Legal Department

JUN 14 2006

Entered in CPA 6/16/06Entered by ms

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,572	PCT/DK04/00545	453-US-PCT